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December 3, 2007

BY CM/ECF

The Honorable Gregory M. Sleet
United States District Court
for the District of Delaware
844 King Street
Wilmington, DE 19801

Re: Thermo Electron Corp. v. Applera Corp., et al.
C.A. No. 04-1505-GMS

Dear Chief Judge Sleet :

I write regarding the above-captioned action, which was stayed on May 17, 2006, pending reexamination of the patent-in-suit by the Patent and Trademark Office. (D.I. 92.) On August 31, 2007, the Patent Office issued a Final Office Action rejecting, *inter alia*, claims 11 and 15, the only two claims that plaintiff Thermo has asserted in this action. Thermo filed a Request for Reconsideration, but on October 29, 2007, the Patent Office issued an Advisory Action maintaining its rejection of claims 11 and 15.

On November 30, 2007, Thermo filed a Notice of Appeal of the final rejection to the Board of Patent Appeals and Interferences. For the Court's information, the average pendency of a appeal before the Board is in excess of one year. If the Board affirms and Thermo appeals to

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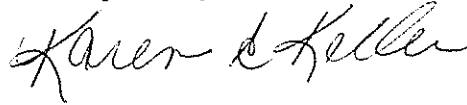
The Honorable Gregory M. Sleet

December 3, 2007

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the Court of Appeals for the Federal Circuit, it will take at least an additional year to obtain a final decision that will conclude the reexamination.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karen E. Keller". The signature is fluid and cursive, with the first name "Karen" being more prominent.

Karen E. Keller (#4489)

cc: Clerk of the Court (by CM/ECF)
Frederick L. Cottrell, III, Esq. (by CM/ECF and electronic mail)
Kelly E. Farnan, Esq. (by CM/ECF and electronic mail)
Wayne L. Stoner, Esq. (by electronic mail)